IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION No: 22426 of 2004**

Between:

1 M. Laxmana Swamy, S/o. Narasaiah,
R/o. Hanumakonda, Warangal District.
2 G. Ragavendra Reddy, S/o. Mukunda Reddy,
Hanimkonda, Warangal District.

**..... PETITIONERS**

AND

1 A.P.F.D.C., rep. by Vice Chairman & MD.,
Nampally, Hyderabad.
2 Regional Manager, A.P.F.D.C., Nampally, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or directions, more in the nature of Writ of Mandamus, declaring the office order No.340/2004 dt. 29.11.2004 in transferring the petitioners from Kagaznagar Division to Eluru Division and Karali Division as illegal and arbitrary and set aside the same in so far against to the petitioners.

**Counsel for the Petitioners: MR.P.GOVINDA RAJULU**

**Counsel for the Respondents: MR.P.SREE RAMULU NAIDU**

**The Court made the following:**

**ORDER**:

This writ petition is filed to issue a writ of Mandamus declaring the office order No.340 of 2004 dated 29.11.2004 issued by the first respondent transferring the petitioners from Kagaznagar division to Eluru and Kavali Divisions as illegal and arbitrary.

Learned counsel for the petitioners contended that due to the transfer, the studies of the children of the petitioners have been affected and some of them who are taking treatment for their ailments are put to hardship and therefore, the order under challenge is not sustainable.

On the other hand, learned counsel for the respondents contended that the petitioners were transferred on administrative grounds and that no malafidies are attributable to the transferring authority and therefore, the order under challenge does not suffer from any legal infirmities so as to call for interference of this Court.

It is well settled law that the transfer is not only an incidence of service, but it is also one of the service conditions. The jurisdiction of the authority which passed the impugned order is not under challenge in this writ petition. The grounds stated by the petitioners to set aside the impugned orders are on education and medical grounds cannot be said to be grounds to set aside the impugned order. Therefore, the order under challenge does not suffer from any legal infirmities so as to call for interference of this Court. However, learned counsel for the petitioners contended that because the transfers have been affected in the middle of the year, the studies of the children of the petitioners have been affected and further caused hardship to some of the petitioners who have been taking treatment in the hospitals. These aspects have to be considered by the respondents.

Therefore, liberty is given to the petitioners to file appropriate applications before the respondents and the same has to be considered sympathetically by the respondents-authority within a period of three weeks from the date of receipt of the applications from the petitioners.

With the above observations, the writ petition is disposed of. No costs.

---

K.C.BHANU, J

Dated : 17th December, 2004.

Note: Furnish C.C., by Monday

(B/O)

Sh

To

1. The Vice Chairman & Managing Director, A.P.F.D.C., Nampally, Hyderabad.
2. Regional Manager, A.P.F.D.C., Nampally, Hyderabad.

3. 2 CD copies